

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No. 04-CV-12249-DPW

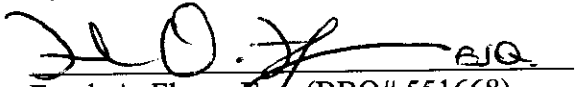
<u>HARVARD REAL ESTATE-ALLSTON, INC.,</u>)	
Plaintiff,)	
)	
v.)	STIPULATION TO EXTEND
)	DATE TO RESPOND TO
)	KMART'S DISCOVERY
<u>KMART CORPORATION, KMART STORE 9424,</u>)	PROPOUNDED TO HARVARD
Defendant.)	
)	

The Plaintiff, Harvard Real Estate-Allston, Inc, ("Harvard") and the Defendant, Kmart Corporation, Kmart Store 9424 ("Kmart"), by their attorneys, hereby stipulate and agree that Harvard shall have until and including February 11, 2005 to file a responsive pleading to the discovery propounded by the Plaintiff to Harvard, as follows:

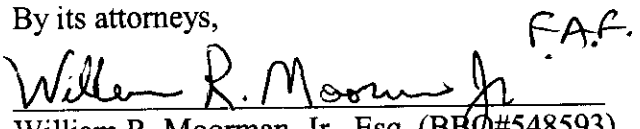
1. Kmart Corporation's Request for Production of Documents Propounded to Plaintiff Harvard Real Estate-Allston, Inc.;
2. Kmart Corporation's Interrogatories Propounded to Plaintiff Harvard Real Estate-Allston, Inc.;
3. Kmart Corporation's Request for Admissions Propounded to Plaintiff Harvard Real Estate-Allston, Inc.;

4. Harvard agrees to assent to a continuance of any intervening trial date that may be scheduled in this action or any other eviction action between the parties in Massachusetts, to a date that is at least three (3) weeks after Kmart's counsel receives Harvard's discovery responses.

Respectfully submitted,
Plaintiff,
Harvard Real Estate Allston-Inc.
By its attorneys,


Frank A. Flynn, Esq. (BBO# 551668)
Randolph C. English, Esq. (BBO# 628647)
Downing & Flynn
85 Devonshire Street, Suite 1000
Boston, MA 02109
(617) 720-3535

Telephonically Assented to,
Respectfully submitted,
Defendant,
Kmart Corporation, Kmart Store 9424
By its attorneys,

 F.A.F.
William R. Moorman, Jr., Esq. (BBO#548593)
Kathleen A. Rahbany, Esq. (BBO# 654322)
Craig and Macauley Professional Corporation
Federal Reserve Plaza
600 Atlantic Avenue
Boston, MA 02210
(617) 367-9500

DATED: January 3, 2005